

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD PAUL HARRIS,

Plaintiff,

v.

Case No. 19-CV-46

LT. WITTIG,
CURT OLSON, AND
JEFFREY NETT,

Defendants.

ORDER

Richard Paul Harris, a Waushara County Jail inmate who is representing himself, filed a complaint under 42 U.S.C. § 1983. On February 25, 2019, Magistrate Judge Nancy Joseph screened the complaint under 28 U.S.C. § 1915A and determined that the plaintiff could proceed on his claim that he was watched from the officers' station during his daily showers. (ECF No. 7 at 5.) However, while the plaintiff alleged that he asked defendant Lt. Wittig for a shower curtain or door, the plaintiff did not allege that defendants Olson and Nett were personally involved in the complaint allegations. Judge Joseph gave the plaintiff an opportunity to file an amended complaint to allege the personal involvement of Olson and Nett or, alternatively, to name as defendants only those individuals who were personally involved in his complaint allegations. (*Id.* at 6.) The plaintiff has not filed an amended complaint. Therefore, the court will order the United States Marshals Service to serve the complaint on defendant Wittig and it will dismiss defendants Olson and Nett.

This case is currently assigned to U.S. Magistrate Judge Joseph; however, because not all parties have had the opportunity to consent to magistrate judge jurisdiction, the case was randomly

referred to a U.S. District Court judge for the limited purpose of dismissing defendants Olson and Nett. The case will be returned to Judge Joseph for further proceedings after entry of this order.

THEREFORE, IT IS ORDERED that defendants Curt Olson and Jeffrey Nett are **DISMISSED**.

IT IS FURTHER ORDERED that the U.S. Marshals Service shall serve a copy of the complaint (ECF No. 1), this order, and the Screening Order (ECF No. 7) upon defendant Lt. Wittig pursuant to Federal Rule of Civil Procedure 4. The plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). Although Congress requires the court to order service by the U.S. Marshals Service, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). The U.S. Marshals will give the plaintiff information on how to remit payment. The court is not involved in collection of the fee.

IT IS ALSO ORDERED that defendant Lt. Wittig shall file a responsive pleading to the complaint.

IT IS FURTHER ORDERED that this case is returned to Judge Joseph for further proceedings. The case is no longer referred to Judge Griesbach.

IT IS FURTHER ORDERED that the parties may not begin discovery until after the court enters a scheduling order setting deadlines for discovery and dispositive motions.

Dated at Green Bay, Wisconsin this 2nd day of April, 2019.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court